

APPLICANT: ANDREWS, G.
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REMARKS / ARGUMENTS

Claims 1, 4, 6, 7, 9, 11, 12, 14, 15, 16, 17 and 35-38 remain in this application. Claims 2, 3, 5, 8, 10, and 13 have been canceled without prejudice. Claims 18-34 have been withdrawn in view of the Examiner's earlier restriction requirement. Applicant affirms the election made without traverse in a telephone conversation on January 8, 2003 to prosecute the invention of Group I, claims 1-17. Applicant withdraws claims 18-34 without prejudice and retains the right to present claims 18-34 in a divisional or continuation application.

In the Office action mailed January 16, 2003, the Examiner rejected claims 1-5, 7, 9-13, 15 and 17 under 35 U.S.C. 102(b) as being anticipated by Sato et al. (U.S. Patent No. 4,764,779). Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (Japan Patent 62-61747). Claims 1, 2, 9, 10 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Yoshinaka et al. (Japan Patent 9-59839). Claims 6, 8, 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al.

Applicant has amended independent claims 1 and 9 such that the core yarn comprises a metallic wire, and the cover yarn comprises a fluid soluble strand selected from the group consisting of co-nylon and polyactic acid. None of the cited prior art discloses a composite yarn comprising a metallic wire core and a cover yarn comprising co-nylon or polyactic acid. Nor does any of the cited prior art disclose an intermediate fabric product intended for subsequent processing comprising a fabric comprised of such a composite yarn.

Sato et al. discloses a composite yarn comprising a core yarn composed of at least one kind of fiber selected from organic and inorganic fibers such as linen, cotton,

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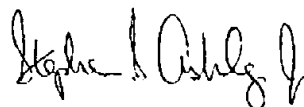
polyamide, polyester, polyacrylonitrile, polyvinyl alcohol, polyolefin, cellulose diacetate, cellulose triacetate, viacose rayon, cupra, glass, and carbon fibers, and a covering layer composed of a ribbon-shaped metal electroconductive metal fiber. Sakai discloses a spiral electric wire comprising a core material composed of a water-soluble fiber, and a conductive wire wound around the core material. Yoshinaka discloses a twisted yarn of a multilayered structure obtained by forming a fiber layer of a core layer, an interlayer and an outermost layer. The core layer or the interlayer comprises water-soluble polyvinyl alcoholic fibers.

None of the above-cited references disclose the composite yarn of amended claim 1 or the intermediate fabric product of amended claim 9. As such, claims 1 and 9 are in a condition for allowance. All remaining claims depend on claims 1 or 9, and therefore are also in a condition for allowance.

For the reasons discussed above, Applicant respectfully submits that the application is now in condition for allowance. Therefore, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that issues remain for discussion in this case, he is invited to contact the undersigned.

Date: April 22, 2003

Respectfully submitted,



Stephen S. Ashley, Jr.
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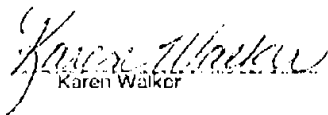
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at facsimile number (703) 872-9310 to the attention of: Box Non-Fee Amendment, Honorable Commissioner of Patents, Washington, D.C. 20231 on April 22, 2003. Date of Signature: April 22, 2003.

Signature: _____


Karen Walker



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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AS5

Paper No.

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 3/31/03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☐ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☒ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: _____

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Kennerly Bly
Team Leader

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdiprac.pdf>

March 26, 2003

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